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October 3, 2012

VIA ECF

District Judge Joanna Seybert
United States District Court
Eastern District of New York
100 Federal Plaza, P.O. Box 9014
Central Islip, New York 11722

Re: Elsa Aguilar and Claudia Polanco v. Equinox
Holdings, LLC, Edward Carrington, and Luisa
Dinenno
Case No.: 12-CV-01007 (JS) (AKT)

Dear Judge Seybert:

As counsel for Defendants, together with counsel for Plaintiffs, we hereby submit for review the enclosed Settlement Agreements, as well as Stipulations of Dismissal with Prejudice for each Plaintiff for your approval. Counsel for Defendants and Plaintiffs respectfully submit that the Settlement Agreement is fair and reasonable and, therefore, jointly request that the Court grant its approval of the Settlement Agreement.

The settlement submitted for the Court's approval is a reasonable compromise of disputed issues and will enable the Parties to avoid the cost and uncertainty of further litigation. The Parties disagree as to the claims in this matter, which include Title VII of the Civil Rights Act of 1964, New York State Human Rights Law, FLSA, New York Labor Law, unjust enrichment, and breach of contract. The settlement was the product of arms length bargaining between counsel for the parties. New York courts have held that claims under the Fair Labor Standards Act, such as those comprising part of the claims in this case, may be resolved only by a settlement supervised by the Secretary of Labor or with judicial approval. *Le v. Sita Info. Networking Computing USA, Inc.*, 2008 U.S. Dist. LEXIS 46174, at * 1-2 (E.D.N.Y. 2008).



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Thank you for the Court's consideration.

Very truly yours,
JACKSON LEWIS LLP

Paul J. Siegel

PJS/AGG
Attachments

cc: Steven J. Moser, Esq. (via ECF)